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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,267	03/22/2004	Hsien-Ta Huang	BHT-3106-313	8965

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EXAMINER

FRIEDHOFFER, MICHAEL A

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,267

Applicant(s)

HUANG, HSIEN-TA

Examiner

Michael A. Friedhofer

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the phrase “the invention” should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2 “the main unit” has no antecedent basis.

In claim 1, line 2 replace “said the surface” with –the surface—or –said surface--.

In claim 1, lines 2-3 “the directional button” has no antecedent basis.

In claim 1, line 4 replace “said the bottom” with –said bottom— or –the bottom--.

In claim 1, line 5 replace “said the multiple” with –said multiple—or –the multiple--.

In claim 1, line 6 it is unclear whether this is the same elastic ring as previously claimed or is a separate and distinct elastic ring.

In claim 1, line 6 it is unclear to which element “at the bottom” is referring.

In claim 1, line 7 “the top” and “the slot” have no antecedent basis.

In claim 1, line 9 the phrase “the bottom” has no antecedent basis.

In claim 1, line 9 it is unclear to what element “it” is referring.

In claim 1, line 10 "the pressure reduction" and "the button" have no antecedent basis.

In claim 1, line 14 "the top" and "the slot" have no antecedent basis.

In claim 1, line 15 "the base" has no antecedent basis.

In claim 1, lines 15-16 "the rigid plastic handle" has no antecedent basis.

In claim 1, line 16 "the top cover" and "the peripheral" have no antecedent basis.

In claim 1, line 16 delete the ".".

In claim 1, line 17 "the handle" has no antecedent basis.

In claim 1, line 17 replace "this" with --the--.

In claim 1, line 18 "the middle" has no antecedent basis.

In claim 1, line 19 "both sides" has no antecedent basis.

In claim 1, line 20 it is unclear to what element "its" is referring.

In claim 1, line 21 it is unclear to what "this" is referring.

In claim 1, line 21 "the user" and "the button" have no antecedent basis.

In claim 1, line 22 "the grasping force" has no antecedent basis.

In claim 1, line 23 "the user's hand", "the functional button" and "the directional button" have no antecedent basis.

In claim 1, line 24 "the bottom" and "the touch action" have no antecedent basis.

In claim 1, line 25 it is unclear to what element "this" is referring.

In claim 1, line 25 after "by", delete "a".

In claim 1, line 26 it is unclear whether these buffering devices are related to the buffering devices already claimed.

In claim 1, line 26 it is unclear to which elastic ring is being referred.

In claim 1, line 27 it is unclear whether the "number of axles and washers" are referring to the ones previously claimed. Further, there is only a single washer previously claimed.

In claims 2-4, the phrase "As described in claim 1 for a buffering protective controller" is an improper preamble. The proper phraseology should be "The buffering protective controller of claim 1 including", or "The buffering protective controller of claim 1 comprises", etc.

In claim 2, line 2 it is unclear whether this is supposed to be a single bushing for all of the devices or a bushing for each of the buffering devices.

In claim 2, line 3 it is unclear to what element "its" is referring.

In claim 2, line 3 "the functional button" has no antecedent basis.

In claim 2, line 4 it is improper to use "we" within the claim language.

In claim 2, lines 4-5 "the functional button" has no antecedent basis.

In claim 3, line 1 "the bottom" has no antecedent basis.

In claim 3, line 2 "the functional button" and "the bottom" have no antecedent basis.

In claim 3, lines 2-3 "the bushing" has no antecedent basis.

In claim 3, line 3 delete the first ".".

In claim 3, line 3 replace "this" with --the--.

In claim 4, line 2 it is improper to use the phrase "... etc." within the claim limitation because it makes it unclear what is actually being claimed.

Double Patenting

3. Claims 1-4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,998,548.

Although the conflicting claims are not identical, they are not patentably distinct from each other because while the language is slightly different at this time, all of the claimed elements are covered by the claims of the patent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 571-272-1992. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Friedhofer
Primary Examiner
Art Unit 2832